

Senator Kazen by unanimous consent presented the students to the Members of the Senate.

Notice of Executive Session

Senator Schwartz gave notice that he would on tomorrow (February 21, 1963), move for an Executive Session for 12:15 o'clock p.m.

Senate Concurrent Resolution 22

The President laid before the Senate as pending business S. C. R. No. 22 (the resolution having been read on yesterday and the regular order of business suspended to permit immediate consideration thereof).

Question—Shall S. C. R. No. 22 be adopted?

(Pending discussion of the resolution, the President Pro Tempore occupied the Chair.)

(President in the Chair.)

Question—Shall S. C. R. No. 22 be adopted?

Welcome Resolutions

S. R. No. 146—By Senator Cole: Extending welcome to students and teachers of the Government Class of Bellaire High School of Bellaire.

S. R. No. 149—By Senator Harrington: Extending welcome to the Mayor, Councilmen and other officers of the City of Grove.

S. R. No. 150—By Senator Bates: Extending welcome to Constable Renato Cuellar of Weslaco, Hidalgo County.

S. R. No. 151—By Senator Spears: Extending welcome to Ladies of the Edgewood Council of P.T.A.'s in San Antonio.

S. R. No. 153—By Senator Harrington: Extending welcome to members of the governing body of the City of Port Neches.

Adjournment

On motion of Senator Reagan the Senate at 11:47 o'clock a.m. adjourned until 12:00 o'clock M. tomorrow.

TWENTY-SEVENTH DAY

(Thursday, February 21, 1963)

The Senate met at 12:00 o'clock noon, pursuant to adjournment, and

was called to order by the President Pro Tempore.

The roll was called, and the following Senators were present:

Aikin	Krueger
Bates	Moore
Blanchard	Owen
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Spears
Harrington	Strong
Hazlewood	Watson
Kazen	Word
Kennard	

Absent—Excused

Herring Moffett

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Message from the House

Hall of the House of Representatives
Austin, Texas,
February 21, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 17, Requesting the Postmaster General of the United States to issue a suitable commemorative stamp honoring Big Bend National Park.

S. B. No. 106, A bill to be entitled "An Act relating to the division of certain rural high school districts and consolidated independent school districts into election precincts by the Board of County School Trustees in certain counties; providing for the mode of election and terms of office of school trustees in said rural high school districts and consolidated independent school districts; and declaring an emergency."

(With amendments.)

H. B. No. 21, A bill to be entitled "An Act reducing the membership of the Game and Fish Commission to three members; reconstituting and changing the name of the Game and Fish Commission to the Game, Fish and Parks Department; terminating the term of office of the present members of the Game and Fish Commission with the effective date of this Act; providing for the appointment, term of office, powers, duties and authority of the members of the Game, Fish and Parks Commission; providing for the appointment of an executive director of the Game, Fish and Parks Department by the Game, Fish and Parks Commission; providing for the employment of heads of divisions, game and fish wardens, park managers, and other employees; making other provisions relating thereto; abolishing the State Parks Board; transferring all powers and duties of the State Parks Board prior to the effective date of this Act to the Game, Fish and Parks Department; prescribing the powers, duties and authority of the Game, Fish and Parks Department; providing the purposes for which the Special Game and Fish Fund can be expended; making other provisions relating to the organization, powers, duties and authority of the Game, Fish and Parks Department; repealing all laws in conflict; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

Senate Resolution 155

Senator Crump offered the following resolution:

Whereas, February 24 marks the anniversary of the birth of Admiral Chester W. Nimitz; and

Whereas, Texas proudly claims this great American as a native son, having been born in Fredericksburg, Gillespie County, to Anna and Chester B. Nimitz, pioneers of the Lone Star State, and grown to young manhood in the Texas Hill Country at Kerrville, Kerr County; and

Whereas, He was appointed to the United States Naval Academy at Annapolis in 1901, there to begin his illustrious career as one of the foremost naval heroes of all times; and

Whereas, During World War I he

was chief of the United States' first submarine force, was named head of the Bureau of Navigation in 1939, and became Commander in Chief of the Pacific Fleet following the Japanese attack on Pearl Harbor, December 7, 1941, and consequently led our American Fleet to victory in World War II, climaxed by his signing for the United States on September 1, 1945, when the Japanese formally surrendered aboard the Battleship Missouri; and

Whereas, This true patriot and champion of democracy has been an inspiration to every citizen who holds dear the freedom we cherish as Americans; now, therefore, be it

Resolved, That the Senate of Texas congratulates Admiral of the Fleet Chester W. Nimitz on the observance of his 78th birthday anniversary with sincere appreciation of his dedicated service to Texas and to the nation.

CRUMP
HARDEMAN

The resolution was read and was adopted.

Senate Resolution 156

Senator Strong offered the following resolution:

Whereas, Texas is famed for the diversity and excellence of its culinary delicacies; and

Whereas, Miss Jan Penick of White Oak, Texas, has achieved particular proficiency in this art as evidenced by her selection as one of the ten finalists in the State of Texas to participate in the Betty Crocker Award test; now, therefore, be it

Resolved, That the Senate of the State of Texas send its congratulations and best wishes to Miss Jan Penick in her competition for this award.

The resolution was read and was adopted.

Presentation of Guest

Senator Calhoun by unanimous consent presented as a guest of the Senate today former Senator Bill Wood of Tyler and requested that he be granted the privileges of the floor for today.

There was no objection offered, and former Senator Wood was given a welcome by the Members of the Senate.

Senate Resolution 157

Senator Rogers offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, Richard Austin Schwartz, of Galveston, the son of Senator and Mrs. A. R. Schwartz; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas; that he be extended an official welcome, and be named an "Honorary Page" of the Senate.

The resolution was read and was adopted.

Reports of Standing Committees

Senator Reagan submitted the following report:

Austin, Texas,
February 21, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 199, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

REAGAN, Chairman.

Senator Hazlewood submitted the following reports:

Austin, Texas,
February 20, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Finance, to which was referred S. B. No. 265, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HAZLEWOOD, Chairman.

Austin, Texas,
February 20, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Finance, to which was referred S. B. No. 47, have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass as amended and be printed.

HAZLEWOOD, Chairman.

Austin, Texas,
February 20, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Finance, to which was referred S. B. No. 264, have had the same under report it back to the Senate with the consideration, and I am instructed to recommendation that it do pass and be printed.

HAZLEWOOD, Chairman.

Senator Moore submitted the following report:

Austin, Texas,
February 21, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred S. B. No. 61, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

MOORE, Chairman.

C. S. S. B. No. 61 was read the first time.

Senator Aikin submitted the following reports:

Austin, Texas,
February 21, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 50, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

AIKIN, Chairman.

Austin, Texas,
February 21, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 164, have had the same under consideration, and I am instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 21, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 234, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 21, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 235, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 21, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 255, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

AIKIN, Chairman.

Minority Report on Senate Joint Resolution 18

Senator Spears submitted the following Minority Report on S. J. R. No. 18:

We, the following members of the Constitutional Amendments Committee, do hereby give notice under Senate Rule 110 of a favorable minority report for S. J. R. 18 and within the required ten days a motion will be made to substitute this minority report for the majority report. We were present at the committee hearing and voted on the minority side.

SPEARS
KENNARD
SCHWARTZ
KAZEN

Committee Substitute Senate Bill 61 Ordered Not Printed

On motion of Senator Creighton and by unanimous consent C. S. S. B. No. 61 was ordered not printed.

Senate Bill 106 with House Amendments

Senator Schwartz called S. B. No. 106 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moore
Blanchard	Owen
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Spears
Harrington	Strong
Hazlewood	Watson
Kazen	Word
Kennard	

Absent—Excused

Herring Moffett

(Senator Aikin in the Chair.)

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Patman:

S. B. No. 299, A bill to be entitled "An Act creating 'Aransas County Conservation and Reclamation District' under the provisions of Section 59, Article XVI of the Texas Constitution; prescribing the area and powers of the District; providing that the ad valorem plan of taxation shall be used by the District and limiting the amount thereof; specifying the pur-

pose and powers of the District; providing for a Board of Directors to control and exercise the District's powers; authorizing the levy and assessment of taxes for improvements, maintenance, operation and administration of the District; providing that the District shall bear the expense of any necessary relocation, raising or rerouting of any facility or property of any utility; authorizing the issuance of bonds in the accomplishment of the District's purposes, and making such bonds eligible for certain investments and to secure the deposit of public funds; exempting the District and its bonds from taxation; enacting a savings clause; declaring the District essential; enacting other provisions relating to the subject and purpose of this Act; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Cole:

S. B. No. 300, A bill to be entitled "An Act to amend Paragraph (8) of Art. 4.01, Chapter 4, Sec. 1, Title 122A, Taxation—General, Revised Civil Statutes of Texas, Acts of the 56th Legislature, 3rd Called Session, 1959, Chap. 1, page 201, and to amend Art. 4.02, Chap. 4, Sec. 1, Title 122A, Taxation—General, Revised Civil Statutes of Texas, Acts of the 56th Legislature, 3rd Called Session, 1959, Chap. 1, page 201, so that the volume of oil produced and subject to tax may be measured or determined by tank tables or by meter or meters or by other measuring device or devices capable of accurately measuring 'production' or 'total oil produced'; and declaring an emergency."

To the Committee on Oil and Gas.

By Senator Spears:

S. B. No. 301, A bill to be entitled "An Act to amend Article IV of Chapter 334, Acts of the 51st Legislature, 1949 (compiled as Section 5 of Article 2922-16 of Vernon's Civil Statutes of Texas), as last amended by Section 4 of Chapter 1, Acts of the 57th Legislature, Second Called Session, 1961, to provide that no local maintenance school fund assignment, pursuant to the Minimum Foundation School Program, shall be charged to the Bexar County School for Boys Independent School District or to the Bexar County School for Girls Inde-

pendent School District; and declaring an emergency."

To the Committee on Education.

(President Pro Tempore in the Chair.)

By Senator Hazlewood:

S. B. No. 302, A bill to be entitled "An Act providing for transfer of moneys now on deposit in the State Treasury to the credit of the Motor Carrier Fund, the Oil and Gas Enforcement Fund, the Gas Utilities Fund, and the Liquefied Petroleum Gas Fund to a single fund in the State Treasury to be known as the Railroad Commission Operating Fund; providing that moneys collected for the purposes for which said Funds were created be deposited in the State Treasury to the credit of the Railroad Commission Operating Fund; designating purposes for which such moneys may be used; providing for disposition of money collected for sale of property purchased out of said Funds; providing for expenditures; repealing conflicting laws; expressly retaining purposes of present Fund expenditures; providing for an effective date of this Act."

To the Committee on Finance.

By Senator Cole:

S. B. No. 303, A bill to be entitled "An Act to amend sub-section (2) of Section 3 of the Airport Zoning Act of 1947, Acts of the 50th Legislature, Regular Session, Chapter 391, Page 784 (compiled as sub-section (2) of Article 46e-3 of Vernon's Texas Civil Statutes), as amended by Chapter 323, Acts of the 57th Legislature, 1961, to expressly empower any political subdivision having more than 800,000 inhabitants, according to the last preceding Federal Census, wherein such political subdivision has located within its territorial limits an airport owned or controlled by such political subdivision and there exists an airport hazard area appertaining to such airport located outside of the territorial limits of said political subdivision owning or controlling the airport to promulgate, administer, and enforce airport zoning rules, regulations and ordinances limiting the height of structures and objects of natural growth, and otherwise regulating the use of property under the provisions of the Airport Zoning Act within a five mile radius of the airport reference point

of such airport; and declaring an emergency."

To the Committee on State Affairs.

By Senator Hazlewood:

S. B. No. 304, A bill to be entitled "An Act amending Acts 1951, 52nd Legislature, Chapter 491, codified as Article 5.01 of the Texas Insurance Code, by adding thereto a paragraph prohibiting, with exceptions, the making of rating plans or rating classifications which are based in whole or in part on violations of traffic laws; amending Section 35, Acts 1951, 52nd Legislature, Chapter 498, known as the Texas Motor Vehicle Safety Responsibility Act and also designated as Section 35, Article 6701h of Vernon's Annotated Civil Statutes, by adding thereto a paragraph prohibiting the making of premium rates or minimum premiums which are based in whole or in part on certain traffic violations, traffic accidents, or insured losses; repealing all laws or parts of laws in conflict; providing a severability clause; and declaring an emergency."

To the Committee on Insurance.

Senate Resolution 158

Senator Spears offered the following resolution:

Whereas, There is to be held in San Antonio, Texas, a meeting of the 1963 "Aircade for Citizenship Action" on Friday, February 22, 1963, and

Whereas, This "Aircade" meeting is being sponsored by the Chamber of Commerce of the United States with the San Antonio Chamber of Commerce as the Host Chamber, and this will be the only such "Aircade" meeting held in Texas, and

Whereas, The "Aircade" meeting is designed to explain clearly and concisely to Texas businessmen the major issues before the First Session of the 88th Congress affecting the economy and the future of this country; and to show the businessmen of Texas how they can assume greater responsibility for strengthening, improving and preserving free enterprise in America, and

Whereas, The San Antonio Chamber of Commerce has extended a special and personal invitation for the members of the Senate of the State of Texas to attend this "Aircade" meeting on February 22, 1963; now therefore, be it

Resolved, by the Senate of the State of Texas, That the Senate does hereby declare itself in adjournment on Friday, February 22, 1963, and adjourns this date, February 21, 1963, as a tribute to this "Aircade" meeting; and be it further

Resolved, That the Senate urges and requests all of its members to attend the 1963 "Aircade for Citizenship Action" meeting to be held in San Antonio at the Villita Building from 9:30 a.m. until 3:30 p.m. on said date.

The resolution was read and was adopted.

Message from the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,
February 20, 1963.

To the Senate of the Fifty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the State Board of Control: To fill an unexpired term, said term to expire August 31, 1965: Warren S. Bellows, Jr. of Houston, Harris County.

Respectfully submitted,
JOHN CONNALLY
Governor of Texas

Co-Author of Senate Bill 292

On motion of Senator Rogers and by unanimous consent Senator Cole will be shown as co-author of S. B. No. 292.

Executive Session

On motion of Senator Schwartz and by unanimous consent the Senate agreed to hold an Executive Session at 12:29 o'clock p.m. today. (The notice therefor having been given on yesterday.)

Accordingly, the President Pro Tempore directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

In Legislative Session

The President Pro Tempore called

the Senate to order as In Legislative Session at 12:45 o'clock p.m. today.

House Bills and Resolution on First Reading

The following bills and resolution received from the House, were read the first time and referred to the committees indicated:

H. B. No. 80, To the Committee on State Affairs.

H. B. No. 21, To the Committee on State Affairs.

H. C. R. No. 17, To the Committee on Game and Fish.

H. B. No. 174, To the Committee on State Affairs.

H. B. No. 235, To the Committee on Counties, Cities and Towns.

H. B. No. 238, To the Committee on Game and Fish.

H. B. No. 239, To the Committee on Game and Fish.

H. B. No. 75, To the Committee on State Affairs.

H. B. No. 62, To the Committee on Transportation.

H. B. No. 58, To the Committee on Jurisprudence.

H. B. No. 10, To the Committee on Counties, Cities and Towns.

H. B. No. 115, To the Committee on Banking.

H. B. No. 97, To the Committee on State Affairs.

H. B. No. 233, To the Committee on Counties, Cities and Towns.

H. B. No. 55, To the Committee on Jurisprudence.

Welcome Resolution

S. R. No. 154—By Senator Word: Extending welcome to Byron McClellan of Gatesville.

Adjournment

On motion of Senator Aikin the Senate at 12:57 o'clock p.m. adjourned until 11:00 o'clock a.m. on Monday, February 25, 1963.

TWENTY-EIGHTH DAY

(Monday, February 25, 1963)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present.

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 21, 1963, was dispensed with and the Journal was approved.

Message from the House

Hall of the House of Representatives
Austin, Texas,
February 25, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 50, A bill to be entitled "An Act amending Chapter 421, Acts of the 50th Legislature, Regular Session, 1947, as last amended by Chapter 259, Acts of the 57th Legislature, Regular Session, 1961 (which is compiled as the 'Uniform Act Regulating Traffic on Highways, Article 6701d, Vernon's Texas Civil Statutes'), by adding thereto a new article [relating to speed of vehicles, rules of enforcement and admissibility of evidence], repealing Section 8 of Chapter 42, Acts of the 41st Legislature, Second Called Session, 1929, as amended (com-